

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- against - :

ORDER

97 Cr. 00817-14 (DC)

GUILLERMO NEGRON, JR., :

Defendant. :

- - - - -x

CHIN, Circuit Judge:

By letter dated April 2, 2020, defendant Guillermo Negrón, Jr. moves for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). The government opposes the motion.

Negrón applied to the Warden of the Metropolitan Correctional Center for the same relief on March 28, 2020, and although the Warden has not yet responded, Negrón now asks this court to waive the requirement that he exhaust the administrative remedies available to him and that he be released immediately. Without deciding the exhaustion issue, I deny the motion for compassionate release on the merits.

I appreciate that the current health situation is rapidly evolving, and I am sensitive to the challenges faced by our prison facilities and the risks to inmates presented by the current COVID-19 crisis. See Federal Defenders of New York, Inc. v. Federal Bureau of Prisons, No. 19-1778, slip op. at 26-

27 (2d Cir. Mar. 20, 2020). Nonetheless, Negron has not shown that he is more vulnerable than other inmates, and he has not even attempted to show that he suffers from any particular medical ailments. Instead, he blanketly asserts that "each passing day increases the chances that [I] will contract COVID-19 and die." D. Ct. Dkt. No. 200.

As the Third Circuit observed just a few days ago, however, "the mere existence of COVID-19 in society and the possibility that it may spread to a particular prison alone cannot independently justify compassionate release, especially considering BOP's statutory role, and its extensive and professional efforts to curtail the virus's spread." United States v. Raia, No. 20-1033 (3d Cir. Apr. 2, 2020). Accordingly, Negron's motion is DENIED.

SO ORDERED.

Dated: New York, New York
April 6, 2020

s/Denny Chin
DENNY CHIN
United States Circuit Judge
Sitting By Designation